



Matt Blunt, Governor • Doyle Childers, Director

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MEMORANDUM

DATE: June 26, 2006

TO: Public Meeting Participants

FROM: Larry P. Coen, R.G., Staff Director
MDNR, Land Reclamation Program

SUBJECT: Fischer Quarry and Hauling, LLC, Public Meeting Minutes, April 4, 2006

Attached you will find a copy of the minutes from the April 4, 2006, public meeting held in Bloomsdale, Missouri on the topic of the proposed permit to operate a surface mine as applied for by Fischer Quarry and Hauling, LLC. Please note this copy differs from the version sent out on May 11, 2006, in that it does not include revisions as suggested by the applicant for a permit or the landowner of the property under application. The comments made by those two parties are attached in separate documents. You may recall at the public meeting that I stated the applicant and landowner would be allowed to make comments to the final document in an effort to ensure their answers were as complete and accurate as possible. Since that time we have been advised to send out the set of minutes as they appeared before the two parties provided their suggested revisions.

These documents are being sent out for your information only and are not intended to restart the public comment or hearing request timeframe. These documents are provided as clarification in preparation for the July 27, 2006, meeting of the Land Reclamation Commission. If you have any questions or comments concerning this information, please call me at (573) 751-4041.

LPC/tcb

Attachments

Fischer Quarry and Hauling Public Meeting Minutes

Tuesday, April 4, 2006, 7:00 PM

After short introductions and explanation, the company explained their intent of the proposed quarry application, which was to extract dimensional stone from the Chris Carron property if possible. Failing that, they are proposing to crush stone for sales. The activity at the site would be driven by demand, which they believe to be fairly small at the current time, but short duration higher demands may develop from time to time.

We explained that several MDNR staff were taking notes to be provided to anyone who wants them, and they will be placed on our web page also for review. After the notes are put out for public review, there will be a 30-day opportunity for comment. If the 30 day comment period closes before May 25th, any remaining requests for hearing will be presented to the Land Reclamation Commission on that date. If the comment period is still open at that time, the requests for hearing will be presented to the Land Reclamation Commission on July 27th. Anyone who requested a hearing before March 31st need not request again. Anyone who provided comments or requested only a meeting may still request a hearing during the 30-day comment period of these meeting notes. Everyone else who did not respond in any way prior to March 31st has no standing to request a hearing now. The legal interpretation of standing is set forth in the Land Reclamation Act at 444.773, RSMo.

The attendees at the meeting were then invited to ask questions:

Question for Chris Carron: You filed a lawsuit on the motor cross plans in the past because you did not want this type of development. How is this planned quarry and development any different? Chris Carron responded: "Yes." See attached supplemental information provided by the company and landowner.

Question about blasting: I have a home in another location that is cracking from blasting. What will be the impact of blasting from this quarry? Mr. Bob Fischer compared this activity to those of Mississippi Lime Company and their blasting program.

Question: I have a dry basement, will blasting damage my home? The company stated that anyone who wanted a preblast survey would receive one, which would be performed by an independent company, and paid for by Fischer Quarry and Hauling. The blasting representative explained that all blasts would be designed for protection of the surrounding homes in mind. They intend to use the blast design guidelines required by the Office of Surface Mining at all coal mines. One commentor mentioned that the OSM rules are not enforceable by DNR for quarries. However, it was stated that if the company agrees to follow these standards at this meeting, they will be made a condition of the permit.

Question: Will there be flyrock? Mr. Bob Fischer indicated there will be no flyrock leaving the site.

Question: Who pays for the preblast surveys: Fischer Quarries. See attached supplemental information provided by the company and landowner.

Question: My foundation is on the same rock formation as is being proposed for the quarry. What safeguards will protect us. Mr. Couch pointed out that if they are the blasting company at the quarry they will keep all vibrations down so as not to damage structures as they will have to pay for the damage through insurance claims. They don't want to have claims made as they will cause their insurance to be cancelled and they are a reputable company and want to avoid any damage.

Question: How many violations has Fischer had in the last five years? About 10, all from the Mine Safety and Health Administration on the quarry equipment.

The following violations were reported from the APCP:

4/16/2003 10 CSR 10-6.060, Construction Permits Required

3/8/2004 10 CSR 10-6.060, Construction Permits Required

7/13/2004 10 CSR 10-6.110, Submission of Emission Data, Emission Fees and Process Information

On 10/25/2004, Fischer Brothers entered into a Settlement Agreement with DNR to resolve the July 2004 violation of 6.110 for a civil penalty of \$500.

Question: What about deficiencies in Fischer trucks, when will they be fixed? Mr. Bob Fischer stated they will work on issue with their truck drivers to ensure trucks are clean and tarped. See attached supplemental information provided by the company and landowner.

Question: Has the blasting company ever had a blasting accident? Mr. Bob Fischer stated that he will not promise that all blasts will be fine, but that shooting will be done in a very professional manner considering geologic irregularities.

Question: Why take a chance on this venture with the potential to damage so many homes? Tom Couch said they plan to be very conservative regarding the shooting for this quarry.

Question: My parents have health problems now and this quarry will increase their health concerns. What about them? This is an issue that the Land Reclamation Commission will need to consider when the request for hearing is presented to them on either May 25th or July 27th.

Question for Chris Carron: Your parents worked to protect the land and now you are out to destroy it. Why?

Question: Who will be responsible for the loss of property value? Loss of property value is not covered in the Land Reclamation Act, and loss of value is not a proven fact. While this is definitely an emotional issue, and the loss seems apparent to many who talked about this issue, actual home sales around quarry locations may show either a loss or a gain, depending on a lot of other factors, which are also factors in any home sale regardless of whether or not a quarry is present.

Question for Chris Carron: A document on file states that there will be no blasting and crushing. Why are we talking about this now? See attached supplemental information provided by the company and landowner.

Question: How long is the permit for? How long is the lease between Fischer and Carron for? Twelve years for either question. The long-term mine plan is for fifty (50) years.

Question: If I'm deployed to Iraq, how will I make a claim on blasting damage? Mr. Bob Fischer stated that if they believed caused damage they will pay for fixing it.

Question: How is the preblast survey done? An independent service will inspect each home foundation and walls, taking pictures and notes to show where any pre-existing damage may be present. Then when any new cracks appear, it will be evidence that blasting has had an impact on that home.

Question: What if another company takes over the permit from Fischer? Mr. Carron stated that if there is something going wrong at the site he can make them leave.

Question: What about fences along property lines for safety? No problem.

Question: What about safety with trucks, etc? Mr. Bob Fischer stated they will have to use the roads to get in and out, he will instruct his truck drivers to drive super slow and will probably widen the road and have all utilities moved as well. He also plans to use crushed granite to keep the dust down. See attached supplemental information provided by the company and landowner.

Question: What about deed restrictions? Mr. Carron stated he would submit the deed he has as an attachment to the minutes.

Question: The past owner of this property gave his word that commercial use of this property would never happen. What happened to that promise? Mr. Bob Fischer stated that he made no such promise.

Question: This quarry is no more than 1000 feet from the elementary school. What about the safety of those students? This is an issue that must be presented to the Land Reclamation Commission for their consideration. Note that Fischer Quarries indicated a willingness to delay operations during bus loading and unloading times, such as blasting or truck traffic.

Question: Who has the right of way on the access road? Bob Fischer said that he would like to widen the road.

Question: How can you put a price on people's peace of mind? This is a difficult issue to consider, and is often brought up during any develop plan such as an industrial park, a landfill, a wastewater treatment plant, etc. Peace of mind is not regulated in any environmental laws, and these are the laws that give MDNR their authority to act. Peace of mind is something that would be considered in local zoning ordinances, which have not been established in Ste. Genevieve County.

Question: Mr. Carron's intent is to have a lake. Why isn't the lake mentioned on the map? Mr. Bob Fischer indicated the landuse for the application is wildlife.

Question: How can you get a lake without explosives and blasting? Mr. Bob Fischer indicated it would be possible for Mr. Carron to dam off the drainage way that runs next to the quarry in order to create a lake.

Question: Can the public request an Environmental Impact Statement? Mr. Coen stated there are no state laws that require it therefore DNR cannot require the facility to perform this task.

Question: How can the public tie up this process? Mr. Coen stated that he really doesn't know but supposed that it might be possible to do so by filing a lawsuit.

Question: What will property of surrounding land be worth once a quarry goes in? Mr. Steve Rudloff of the Missouri Limestone Producer's Association described a study that was done by an appraiser, hired by Fred Weber, Inc. a quarry company, that showed the presence of a quarry in an area had no appreciable effect on the property values in the St. Charles County area.

Question: What is the next step in the process? The minutes of the April 4th public meeting will be published as soon as possible. Everyone will then be given 30 days to review the minutes. Those who responded in any fashion during the public comment period which ended March 30th will have standing to request a hearing during these 30 days. Requests for a hearing will then be presented to the Land Reclamation Commission on either May 25th or July 27th, whichever date can be met after the 30 days of review has been completed.

Question: What about the peaceful use of property when the quarry is operating? Peaceful use is just like the issue of peace of mind answered above on this page. This is not a topic covered in environmental law, and therefore is not regulated. This would also be covered in local zoning if it existed in the area.

Question: A lot of people are at home in the daytime when the quarry is in operation. The quarry will affect those who sleep during the day. Again, this is a local zoning issue. Since Ste. Genevieve County has not enacted local zoning, it is not regulated at this site.

Question: If the easement is not useable, will the quarry move? We (Fischer) said we would not come out across from the school.

Question: What about school hours? Fischer Quarries will agree not to blast or have truck traffic during school bus loading and unloading times.

Question: Will the company notify residents prior to blasts? Yes

Question: Which way will trucks travel on US 61? Probably south.

Question: How big will the quarry be in the future? We don't have specific plans, but for now the quarry will be fairly small in production.

Question: What are the future expansion plans? See attached supplemental information provided by the company and landowner.

Question: What about putting the access road out near the school? We made a commitment not to put an access road out near the school.

Question: Public notification letters went out to everyone around the quarry except those who own land along the private road that will be used to access the site. Why were these landowners not notified? Mr. Coen indicated that the law requires notification to property owners of lands adjacent to the quarry and county government, but not to those along an access road.

Question: What went on during the tour today for an hour and a half? The sole purpose of the tour was for MDNR staff to see the site prior to attending the public meeting. If MDNR staff did not view the site ahead of the meeting, they would be unprepared to adequately discuss issues with the public in attendance.

Question: Can DNR require all of the promises that the company is making and will they be enforceable? Mr. Coen stated that all of the promises made by the company will be written up and made a part of the permit.

Question: In regard to air quality, how will the company keep in compliance? The company plans to use granite or trap rock to put on the access road to prevent dust, and water the quarry roads. See attached supplemental information provided by the company and landowner.

Question: Will there be an engineering plan to create the sediment basin and road upgrades? Not for road. I don't see it for the basin; they are not built that big.

Question: Where will the water for wetting the roads come from? First water will be used out of the retention basin, and then water will be taken from the lake on the property.

Question: What about the dam on the lake? Will it survive the blasts? Mr. Bob Fischer stated that since Mississippi Lime and Tower Rock Stone haven't affected pond dams in their area with their blasting activities, that he doesn't anticipate their blasting will affect the dam in question. Mr. Tom Couch stated in his experience they've blasted a lot near homes and are planning to use small charges, very shallow, engineered to ensure no damage. He has no info on the effects of blasting near pond dams, however.

Question: What about fly rock? The blast area radius is part of the engineered design of each shot. Rock should not get outside this radius.

Question: Who will be the blaster used on this operation? See attached supplemental information provided by the company and landowner.

Question: Will the company list proper contacts and phone numbers for each issue so that residents know who to contact for each type of question that they have? Certificate of liability on file in office for anyone who works for us (Fischer).

Question: How many employees will work at this quarry? Three when in operation.

Question: Will there be a supervisor on site? Yes, on any day of operation.

Question: Will the supervisor's name be made available? Yes.

Question: Does the company always contract with independent blasting experts? Yes.

Question: Who will use the road on a daily basis? Just the normal three workers and about 12 trucks per day, going in and out.

Question: Is the main point decorative stone? Yes.

Question: Is the width of the private road relevant to emergency vehicles? Mr. Coen stated that it isn't under current state law for the Land Reclamation permit.

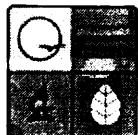
Question: Can a permit to operate a surface mine be issued if the applicant has no access to the property? Mr. Coen stated that a permit means nothing if they have no access to the site, but answer will require a legal opinion and he will look into that issue. After review of the question, it has been determined that this issue must be presented to the Land Reclamation Commission for consideration. The state legal staff cannot resolve a private party dispute over road use and access.

Question: On a private road don't all owners of the roadway need to provide access? Mr. Coen stated that he didn't know and the program staff doesn't look into these sort of matters as we don't have the ability to research all real estate issues.

Question: The application for a permit to operate a surface mine indicates that all landowners have granted access. How can a permit be issued if the easement is in question? Mr. Coen stated that this is a legal matter between owners of the private road and the quarry operator.

Question: Can the permit be issued if a court case is not settled? Mr. Coen stated in the end it is up to the operator to ensure they have access.

Question: The quarry livelihood is going to affect everyone else's livelihood. The issue of livelihood is again something that needs to be presented to the Land Reclamation Commission when the request for hearing are presented either on May 25th or July 27th. This is also a local zoning issue, which is not enacted in Ste. Genevieve County.



Sara
Hayes/LRP/DEQ/MODNR
05/10/2006 08:00 AM

To Tom Cabanas/LRP/DEQ/MODNR
cc
bcc

Subject Fw: Meeting Minutes

History: This message has been replied to.

Sara Hayes
Environmental Specialist
Land Reclamation Program, MDNR
(573)751-5977
(573)751-0534FAX

----- Forwarded by Sara Hayes/LRP/DEQ/MODNR on 05/10/2006 07:59 AM -----



"Chris Carron"
<ChrisCarron@camtech-usa.
com>
05/09/2006 06:54 PM

To sara.hayes@dnr.mo.gov, fischerice@bigrivertel.net
cc
Subject Meeting Minutes

Sara,

1. (Page 1) Question for Chris Carron: You filed a lawsuit on the motor cross plans in the past because you did not want this type of development. In Carron vs. Lloyd Bruster, Chris Carron testified against the motor cross track due to the dust and noise. How is this planned quarry and development any different?

Clarification: Chris Carron did not file a law suit against the motor cross plans in the past because I did not want this type of development. Tom Meyer Filed the lawsuit against Lloyd Brewster. Chris Carron testified in court at the request of the plaintiffs attorney. The question asked in the court was would I build a house next to the motocross track if it stayed in operation. My answer in court was no.

Chris Carron did testify in court at that law suit is the only thing I was saying yes to at the public hearing.

2. (Page 4) Question for Chris Carron: This question was directed to Bob Fischer

There are no further clarifications I need to make. No other questions in the documented minutes were directed to me.

Thank you

Chris

Check us out on the Web at: www.camtech-usa.com

From: "Tom Cabanas" <tom.cabanas@dnr.mo.gov>
To: <fischerrice@bigrivertel.net>
Sent: Friday, April 14, 2006 9:40 AM
Subject: Public Meeting Minutes 4/4/06

Tina Ringwald:

The following is a copy of the public meeting minutes. You indicated to me today you couldn't open the MSWord attachment sent to you by Sara Hayes and her fax of the same was not readable in the highlighted sections. Sara is in the field today, so I agreed to try to get you a workable copy. If this approach doesn't work I assume we will have to send you a version via snail-mail. Please let me know if this approach meets your needs.

Sara, did you send a separate copy to Mr. Chris Carron for his review?

Fischer Quarry and Hauling Public Meeting Minutes
Knights of Columbus Hall
Bloomsdale, MO
Tuesday, April 4, 2006, 7:00 PM

After short introductions and explanation, the company explained their intent of the proposed quarry application, which was to extract dimensional stone from the Chris Carron property if possible. Failing that, they are proposing to crush stone for sales. The activity at the site would be driven by demand, which they believe to be fairly small at the current time, but short duration higher demands may develop from time to time.

We explained that several MDNR staff were taking notes to be provided to anyone who wants them, and they will be placed on our web page also for review. After the notes are put out for public review, there will be a 30-day opportunity for comment. If the 30 day comment period closes before May 25th, any remaining requests for hearing will be presented to the Land Reclamation Commission on that date. If the comment period is still open at that time, the requests for hearing will be presented to the Land and Reclamation Commission on July 27th. Anyone who requested a hearing before March 31st need not request again. Anyone who provided comments or requested only a meeting may still request a hearing during the 30-day comment period of these meeting notes. Everyone else who did not respond in any way prior to March 31st has no standing to request a hearing now. The legal interpretation of standing is set forth in the Land Reclamation Act at 444.773, RSMo.

Bob Fischer and Francis Fischer described the quarry operation as stripping the top portion of rock and crush 8-10 thousand ton at a time and then get the stone. They said that this was "No massive operation."

The attendees at the meeting were then invited to ask questions:

- Notes to program staff, to be removed before final publication: We will need to get answers from Chris Carron, Fischer Quarries, and Tom Couch, ECI before we can finalize some of this. I'm using the following color scheme just to keep track:

**Required from Chris Carron
Required from Fischer**

Question for Chris Carron: You filed a lawsuit on the motor cross plans in the past because you did not want this type of development. In Carron vs. Loyd Bruster, Chris Carron testified against the motor cross track due to the dust and noise. How is this planned quarry and development any different?

Question about blasting: I have a home in another location that is cracking from blasting. What will be the impact of blasting from this quarry? Mr. Bob Fischer compared this activity to those of Mississippi Lime Company and their blasting program.

Question: I have a dry basement, will blasting damage my home? The company stated that anyone who wanted a preblast survey would receive one, which would be performed by an independent company, and paid for by Fischer Quarry and Hauling. The blasting representative explained that all blasts would be designed for protection of the surrounding homes in mind. They intend to use the blast design guidelines required by the Office of Surface Mining at all coal mines.

Comment: One commentor mentioned that the OSM rules are not enforceable by MDNR for quarries. This is true, but since the company has committed to using them, they will be a condition of the permit as per this public meeting?

Question: Will there be flyrock? Mr. Bob Fischer indicated there would be no flyrock leaving the site. *Blasting companies & Quarries
comply with a certain standard.*

Question: Who pays for the preblast surveys? Fischer Quarries agreed to pay for surveys. *With a certain standard.*

Question: My foundation is on the same rock formation as is being proposed for the quarry. What safeguards will protect us? Mr. Couch pointed out that if they are the blasting company at the quarry they will keep all vibrations down so as not to damage structures as they will have to pay for the damage through insurance claims. They don't want to have claims made and they are a reputable company and want to avoid any damage. Blasting does create noise and vibration and there are accepted standards around the country; set standards on how much structures can take.

Question: How many violations has Fischer had in the last five years? About 10 from the Mine Safety and Health Administration on the quarry equipment. The following are noted from the Air Pollution Control Program in the MDNR:

- 4/16/2003 10 CSR 10-6.060, Construction Permits Required
- 3/8/2004 10 CSR 10-6.060, Construction Permits Required
- 7/13/2004 10 CSR 10-6.110, Submission of Emission Data, Emission Fees and Process Information

Picture sent to DLR, was not a Fischer truck. When a truck leaves to the quarry, they are then used

Statement: I have pictures of your (Bob Fischer) trucks with a load and not covered. Bob Fischer replied "I'd like to have a copy of the pictures."

Question: What about deficiencies in Fischer trucks, when will they be fixed? Mr. Bob Fischer stated they would work on issue with their truck drivers to ensure trucks are clean and tarped.

Question: I followed the trucks, they are not covered, load bouncing off and gravel on road? A lot of that is the driver, it is our (Fischer) problem and we will have to deal with that.

Question: Has the blasting company ever had a blasting accident? Mr. Bob Fischer stated that he would not promise that all blasts will be fine, but that shooting will be done in a very professional manner considering geologic irregularities. We would never say everything is fine but all shots are engineered and shot by licensed blaster. There are seams in rock that you can't see but are relatively small in scale. Engineering process will be very conservative especially when near homes; otherwise we would be out of business

Question: How many accidents have you had since you have been blasting. The company has been blasting for 15 years with no accidents.

Question: Why are you doing this next to our home?

Answers: Tom Couch -- To earn a living for our family.

Bob Fischer - I stop doing it for fun in the 60s.

Question: Why take a chance on this venture with the potential to damage so many homes? Tom Couch said they plan to be very conservative regarding the shooting for this quarry. He also said that his company is heavily insured and blasting will be done by the book to keep their insurance costs down.

Question: My parents have health problems now and this quarry will increase their health concerns. Now they will not be able to enjoy life. What about them? This is an issue that the Land Reclamation Commission will need to consider when the request for hearing is presented to them on either May 25th or July 27th.

Question for Chris Carron: Your parents worked to protect the land and now you are out to destroy it. Why?

Question: Who will be responsible for the loss of property value? Loss of property value is not covered in the Land Reclamation Act, and loss of value is not a proven fact. While this is definitely an emotional issue, and the loss seems apparent to many who talked about this issue, actual home sales around quarry locations may show either a loss or a gain, depending on a lot of other factors, which are also factors in any home sale regardless of whether or not a quarry is present.

Question for Chris Carron: A document (the application) ??? on file states that there will be no blasting and crushing. Why are we talking about this now? Bob Fischer - a former employee didn't do a very good job filling out the application.

Question: How will you protect the lake down stream? Bob Fischer - Using terraces to settle out sediment.

Question: What about my basement? Bob Fischer - We will do free basement inspections.

Question:
inspector.

How would you inspect a basement that is covered with shelves and cabinets? Bob Fischer – We would hire and independent

Question: Wayne asked about the agreement with Chris Carron who told residents they would not be blasting or crushing.

Question: How long is the permit for? How long is the lease between Fischer and Carron for? Tina (Secretary for Fischer) - Land Rec picked the date.?? The lease is for twelve years. The long-term mine plan is for fifty (50) years.

Question: Once you get the permit you could change it? To make changes such as adding acres, or time, or transferring the permit you have to start the process of public notice over again.

Question: How will you control runoff? Bob Fischer stated that the company would build detention ponds to collect runoff.

Question: If I'm deployed to Iraq, how will I make a claim on blasting damage? Mr. Bob Fischer stated that if they believed caused damage they would pay for fixing it.

Question: How is the preblast survey done? An independent service will inspect each home foundation and walls, taking pictures and notes to show where any pre-existing damage may be present. Then when any new cracks appear, it will be evidence that blasting has had an impact on that home.

Question: What if another company takes over the permit from Fischer? Mr. Carron stated that if there is something going wrong at the site he could make them leave. In addition, another company cannot take over the permit without a new public notice period.

Question: Aren't things easier to change after the first permit is issued? If Fischer wants to add acres or time or transfer, they have to go through the whole process again. Yes it is easier, but they still have to go through a public notice and a comment period.

Question: What about fences along property lines for safety? No problem.

Question: What about safety with trucks, etc? Mr. Bob Fischer stated they will have to use the roads to get in and out, he will instruct his truck drivers to drive super slow and will probably widen the road and have all utilities moved as well. He also plans to use crushed granite to keep the dust down. Most business is done while people are working normal business hours.
*Joe Fischer
gecko garage*

Question: What about dust? Bob Fischer: We will put granite, or trap rock on the drive to keep dust down, or we will water the road to suppress dust. If we use granite or trap rock, we will add about four inches to the road for cover.
A greater driveway

Question: How are you going to fix driveways, as they will be lower than the road?
Repair existing roads to meet driveway

Question: What about deed restrictions? Mr. Carron stated he would submit the deed he has as an attachment to the minutes.

Question: The past owner of this property gave his word that commercial use of this property would never happen. What happened to that promise? Mr. Bob Fischer stated that he made no such promise.

Question: This quarry is no more than 1000 feet from the elementary school. What about the safety of those students? This is an issue that must be presented to the Land Reclamation Commission for their consideration. Note that Fischer Quarries indicated a willingness to delay operations during bus loading and unloading times, such as blasting or truck traffic.

Question: What about dust affecting the school? We will put granite or traprock on the road.

Adequate gravel

Question: What about trucks on Highway 61? Holcim will have more trucks than Fischer.

Question: You still have not answered the question of roadway safety? We are going to drive very slowly. I am going to do everything to be safe but accidents happen.

Question: Will you supply rock to Holcim? Bob Fischer: We don't have any plans for that now, but could not rule it out in the future.

Question: Who has the right of way on the access road? Bob Fischer said he would like to widen the road.

Question: Are you going to widen the road? We would love to widen the road. It will be our responsibility.

Question: Who will widen roads and move utilities? Bob Fischer - We will.

Utility company

Question: Is rock worth all this damage? Bob Fischer - Again we are planning for the future and we don't expect these damages to occur.

Question: Is it worth the discomfort of everyone else? Bob Fischer - I don't look for that to happen.

Question: How can you put a price on people's peace of mind? This is a difficult issue to consider, and is often brought up during any develop plan such as an industrial park, a landfill, a wastewater treatment plant, etc. Peace of mind is not regulated in any environmental laws, and these are the laws, which give MDNR their authority to act. Peace of mind is something that would be considered in local zoning ordinances, which have not been established in Ste. Genevieve County.

Question: Mr. Carron's intent is to have a lake. Why isn't the lake mentioned on the map? Mr. Bob Fischer indicated the landuse for the application is wildlife.

Question: How can you get a lake without explosives and extensive blasting? Mr. Bob Fischer indicated it would be possible for Mr. Carron to use overburden to dam off the drainage way that runs next to the quarry in order to create a lake. The word in the permit is how Fischer has to leave it, what Chris Carron does is up to him.

Question: Can the public request an Environmental Impact Statement? Mr. Coen stated there are no state laws that require it therefore DNR cannot require the facility to perform this task.

Question: How can the public tie up this process? Mr. Coen stated that he really doesn't know but supposed that it might be possible to do so by filing a lawsuit.

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Question: How do we get the minutes? Everyone who leaves their name and address on the signup sheet will receive the minutes and they will be posted on our web site.

Question: Is there any areas you can help us research? The specific language of the Land Reclamation Act is that in order to get a hearing, you have to convince the Land Reclamation Commission (LRC) that your health, safety, or livelihood is unduly impaired by issuance of the permit.

Question: Is there a way to express concerns without being at the commission meeting? Yes, you can provide written comments.

Question: What is the next step in the process? The minutes of the April 4th public meeting will be published as soon as possible. Everyone will then be given 30 days to review the minutes. Those who responded in any fashion during the public comment period which ended March 30th will have standing to request a hearing during these 30 days of review of the minutes. Requests for a hearing will then be presented to the Land Reclamation Commission on either May 25th or July 27th, whichever date can be met after the 30 days of review has been completed.

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Question: If the easement is not useable, will the quarry move? We (Fischer) said we would not come out across from the school.

Question: What about school hours? Fischer Quarries will agree not to blast or have truck traffic during school bus loading and unloading times.

Question: To MDNR, in regard to the application submitted, certified letters were sent to property owners but not roadway owners who will also be affected? The law requires certified notification to properties adjacent to proposed mining site and to local government, and newspaper notification covers everyone who has an interest.

Question: Even for the roadway? Again the law specifies the properties around mine, not along an access road. Also the public notice is published once a week for 4 weeks, which is broad notice.

Question: How often will you blast? Bob replied 3-4 times a year.

Question: How far down would you blast? Bob replied not below the lake level, approximately 40 feet, but really to be determined better later.

Question: Will the company notify residents prior to blasts? Yes

Question: Which way will trucks travel on US 61? Probably south.

Question: How big will the quarry be in the future? We don't have specific plans, but for now the quarry will be fairly small in production.
Comment: That is what worries us, a small quarry people might be able to handle it but as it grows we don't know what impacts will happen.

Question: What are the future expansion plans? Unlikely at this time

Question: How deep will you go? Can not go below the lake level.

Question: Don't you have a 300-acre site that came from 6 acres? We have 8 acres permitted, but we have a 300-acre farm and have included all of it in our long-term mine plan.

Question: How often do you blast on those 8 acres? 3-4 times a year.

Question: What about putting the access road out near the school? We made a commitment not to put an access road out near the school.

Question: Earlier you were talking about roadway in front of school, do you have a formal commitment with them? No just a verbal commitment.

Comment from School board member: This was stated verbally during a tour of the property.

Question: Public notification letters went out to everyone around the quarry except those who own land along the private road that will be used to access the site. Why were these landowners not notified? Mr. Coen indicated that the law requires notification to property owners of lands adjacent to the quarry and county government, but not to those along an access road.

Question: What went on during the tour today for an hour and a half? The sole purpose of the tour was for MDNR staff to see the site prior to attending the public meeting. If MDNR staff did not view the site ahead of the meeting, they would be unprepared to adequately discuss issues with the public in attendance.

Question: Can DNR require all of the promises that the company is making and will they be enforceable? Mr. Coen stated that all of the promises made by the company would be written up and made a part of the permit.

Question: According to the discussion now, there is an agreement that trucks will only operate during certain hours, the residents will be notified in advance, a lot of statements have been made by the company in how to accommodate residents. Is this part of the permit? If not then who is it between? Once the minutes are written up it will be part of permit packet and the company will have to abide by it.

Question: Bump blasting for dimensional stone, if the blast is too hard will it destroy the stone? Yes

Question: In regard to air quality, how will the company keep in compliance? The company plans to use granite or trap rock (hard material with no dust) to put on the access road to prevent dust, and water the quarry roads.

Answer: Will there be an engineering plan to create the sediment basin and road upgrades? Not for road. I don't see it for the basin; they are not built that big.

Question: How many trucks will be coming out of site? Mr. Fischer said about three a day, unless they have a specific short-term contract for extra loads.

Comment: According to the permit application it says 50,000 tons a year. This equals 12 trucks a day, but you said three. Mr. Fischer replied that he has to indicate the maximum possible in the future.

Question: Where will the water for wetting the roads come from? First water will be used out of the retention basin, and then water will be taken from the lake on the property.

Question: What about the dam on the lake? Will it survive the blasts? Mr. Bob Fischer stated that since Mississippi Lime and Tower Rock Stone haven't affected pond dams in their area with their blasting activities, that he doesn't anticipate their blasting will affect the dam in question. Mr. Tom Couch stated in his experience they've blasted a lot near homes and are planning to use small charges, very shallow, engineered to ensure no damage. He has no info on the effects of blasting near pond dams, however.

Question: Who pays for mistake? My company. Accept liability of blasting damage.

Question: What about fly rock? The blast area radius is part of the engineered design of each shot. Rock should not get outside this radius.

Question: These responses are comforting but is there a contract between ECI and Fischer? No, we currently work at the other quarry with them. Ste Genevieve County's backbone is mining, and there are several reputable companies in this area.

Question: Who will be the blaster used on this operation? A *Liquitab/ce Licensed Blasting Company*

Question: Will the company list proper contacts and phone numbers for each issue so that residents know who to contact for each type of question that they have? Certificate of liability on file in office for anyone who works for us (Fischer).

Question: How many employees will work at this quarry? Three when in operation.

Question: Will there be a supervisor on site? Yes, on any day of operation.

Question: Will the supervisor's name be made available? Yes.

Question: Does the company always contract with independent blasting experts? Yes.

Question: Who will use the road on a daily basis? Just the normal three workers and about 12 trucks per day, going in an out.

Question: What about equipment? We will haul equipment in to do the job, and then out once we are finished. Equipment is not moved on a daily basis.

Question: Is the main point decorative stone? Yes, however it will be demand driven.

Question: Everything mentioned this evening would be in minutes? What Fischer is truly committed to they will be held to.

Question: How will you verify what is in minutes? We will run these answers by Fischer to see if he agrees.

Question: If he denies? We're taking notes but must double check with Fischer; some questions you've asked tonight are a personal nature. I may not get it right. What MDNR has responsibility for we will provide answers.

Question: Is the road posted for speed? Who would regulate speed on roadway? Again this is a local zoning issue.

Question: Can residents post a speed limit? Sheriff cannot enforce it replied a citizen.

Question: Is the width of the private road relevant to emergency vehicles? Mr. Coen stated that it isn't under current state law for the Land Reclamation permit.

Question: Can a permit to operate a surface mine be issued if the applicant has no access to the property? Mr. Coen stated that a permit means nothing if they have no access to the site, but answer will require a legal opinion and he will look into that issue.

Question: On a private road don't all owners of the roadway need to provide access? Mr. Coen stated that he didn't know and the program staff doesn't look into these sorts of matters, as we don't have the ability to research all real estate issues.

Question: The application for a permit to operate a surface mine indicates that all landowners have granted access. How can a permit be issued if the easement is in question? Mr. Coen stated that this is a legal matter between owners of the private road and the quarry operator.

Question: Can the permit be issued if a court case is not settled? Mr. Coen stated in the end it is up to the operator to ensure they have access.

Question: The quarry livelihood is going to affect everyone else's livelihood. The issue of livelihood is again something that needs to be presented to the Land Reclamation Commission when the request for hearing are presented either on May 25th or July 27th. This is also a local zoning issue, which is not enacted in Ste. Genevieve County.

Question: How does the Commission intend to notify all surrounding homeowners and absent homeowners. One of the houses nearby is now an "FHA" home.

Question: Could or would the commission issue the permit even if the issue of "access" is unsettled? The company has to have access to get to the site or the permit means nothing. Whether or not we can deny a permit based on no access, I will have to get a legal opinion on that.

Question: How wide is road? Is this not something that needs to be in the permit? Is this not a requirement of mining law? No, these types of issues are things that would be part of local zoning, which Ste. Genevieve County does not have.

Question: Is the narrow private road not a safety issue? We do not regulate safety at MDNR. Safety is one of the reasons to request a hearing. We hear this issue frequently but do not regulate it.

Question: Isn't landowner consent of a roadway owner needed for entry? We do not have the ability to investigate real estate issues. We are not professionals to sort that out, it is up to the company to ensure that they have legal access. These are private issues. The ownership of the quarry itself is not the same as the access issue.

Question: How is it different? We permit the removal of the mineral, and we do need to know that they have a legal right to extract the mineral before a permit is issued. So the issue of land ownership where the mineral is located is critical to the permit. The roadway leading into the permit is not part of the permit, and therefore we cannot regulate it, and do not enforce legal ownership or access.

Comment: The reason for provisional language of access in the permit is so we (MDNR) can legally access and inspect property that is being mined. This language is not referring to the access road ownership that the quarry will use to operate from.

Tom Cabanas, Environmental Manager Band 2
Land Reclamation Program, MDNR
tom.cabanas@dnr.mo.gov
(573)751-4041
(573)751-0534 FAX

Laney memo

List to receive above letter:

Michell Brown
11072 Pleasant Heights
Bloomsdale, MO 63627

Wally Eisenberg
310 Hwy 61
Bloomsdale, MO 63627

Rob Lorg
13683 Lakewood Dr.
Ste. Genevieve, MO 63670

Alexis and Alma Carron
POB 68
Bloomsdale, MO 63627

LaVerne Gatsemeyer
5996 Hwy 61
Bloomsdale, MO 63627

Linda Doerge
4141 Hwy 61
Bloomsdale, MO 63627

Peggy Fischer
6189 Hwy 61
Bloomsdale, MO 63627

Bill & Joy Leonard
12985 Friedman Rd
Ste. Genevieve, MO 63670

Michell Hoyaki
6152 Hwy 61
Bloomsdale, MO 63627

Brett Leonard
6152 Hwy 61
Bloomsdale, MO 63627

Jean Rissover
330 Market
Ste. Genevieve, MO 63670

Michael & Anne Heinzman
6092 Hwy 61
Bloomsdale, MO 63627

J. Canaday
134 Hwy 61
Bloomsdale, MO 63627

B. Terry
6139 Hwy 61
Bloomsdale, MO 63627

W. Reando
6101 Hwy 61
Bloomsdale, MO 63627

Kerry Bauman
229 Clement Rd.
Bloomsdale, MO 63627

*Bob & Francis Fischer
Fischer Qy & Hauling, LLC
195 Ste. Genevieve Dr.
Ste. Genevieve, MO 63670*

Terry Stewart, Sr.
Kay Stewart
Terry Stewart, Jr.
11045 Pleasant Heights
Bloomsdale, MO 63627

U
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Wayne Fallert
210 Clement
Bloomsdale, MO 63627

Norman S. Bell
6090 Hwy 61
Bloomsdale, MO 63627

Jim and Barbara Williams
6150 Hwy 61
Bloomsdale, MO 63627

Eugene Gerard
4333 Sunridge Dr., Apt. A
St. Louis, MO 63125-3479